In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 18898 of 2006

Date of Decision: 30.11.2006

Sushil Kumar

…Petitioner

Versus

Union of India & others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. R.A. Sheoran, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner has approached this Court by making the claim that his second Medical Board be held or in the alternative he may be granted disability pension. It is appropriate to mention that the petitioner has been boarded out of service on account of medical disability by placing him in the medical category SHAPB and his disability indicated in the Medical Certificate, dated 21.8.2002 (P-3), is 'CORNEAL OPACITY (RT) EYE'. The petitioner has made neither any representation nor have served any legal notice on the

respondents before approaching this Court. Therefore, we deem it just and appropriate to relegate the petitioner to the remedy of first sending a legal notice to the respondents by stacking his claim in accordance with relevant Rules and Regulations. If such a notice is served within one month from today under Registered A.D. cover, then respondent No. 3 shall take decision thereon in accordance with law within a period of three months from the date of its receipt. If respondent No. 3 is not the authority competent to decide the notice then the same be forwarded to the authority that is competent to take decision in that regard.

The petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

November 30, 2006
Pkapoor